

BOARD OF BARBERING AND COSMETOLOGY

Title 16, Division 9 of the California Code of Regulations.

Second Modified Text

LEGEND	
<u>Underline</u>	Indicates proposed amendments or additions to the existing regulation made in the originally proposed text.
Strikeout	Indicates proposed deletions to the existing regulation made in the originally proposed text.
<u>Double Underline</u>	Indicates an addition to the originally proposed text of the regulation in the first modified text.
Double Strikeout	Indicates a deletion to the originally proposed text of the regulation in the first modified text.
<i>Italics</i>	<i>Indicates an addition to the first modified text of the regulation in this second modified text.</i>
<i>Italics</i>	<i>Indicates a deletion to the first modified text of the regulations in this second modified text</i>

Amend Section 974 of the California Code of Regulations as follows:

974. Schedule of Administrative Fines

(a) An administrative fine may be assessed for violations of the specified sections of the Business and Professions Code and ~~Title 16~~ of Division 9 of Title 16 of the California Code of Regulations as follows:

~~**Schedule of Administrative Fines**~~

Section	1st Violation	2nd <u>Violation</u>	3rd <u>Violation</u>	Correctable <u>Waiveable</u> <u>Waivable</u>
7313. <u>Access to Establishment for Inspection</u>	400 <u>250</u>	<u>500</u>	<u>750</u>	No
7317. <u>Unlicensed Establishment</u>	4,000 <u>500</u>	<u>1,000</u>	<u>1,000</u>	No
<u>7317. Unlicensed Individual</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>No</u>
<u>7317. Expired Establishment License</u>	<u>250</u>	<u>300</u>	<u>500</u>	<u>No</u>
<u>7317. Expired Individual License</u>	<u>250</u>	<u>300</u>	<u>500</u>	<u>No</u>
<u>7317. Individual Working in an Expired Establishment</u>	<u>25</u>	<u>50</u>	<u>100</u>	<u>No</u>
<u>7317. Individual Working in an Unlicensed Establishment</u>	<u>250</u>	<u>300</u>	<u>500</u>	<u>No</u>
7320. <u>Practice of Medicine</u>	1,000	<u>1,000</u>	<u>1,000</u>	No
7320.1. <u>Use of Illegal Metal Instruments</u>	500 <u>250</u>	<u>500</u>	<u>500</u>	No

7320.2. <u>Illegal Treatment Methods</u>	500	<u>500</u>	<u>500</u>	No
7320.3	400			No
7320.4	400			No
7336. <u>No Supervision of Apprentice</u>	100	<u>150</u>	<u>200</u>	No
7347	400			No
7348. <u>No Licensee in Charge of Establishment</u>	100	<u>150</u>	<u>200</u>	No
7349. <u>Employing Unlicensed Persons</u>	1,000	<u>1,000</u>	<u>1,000</u>	No
7349.1. <u>Illegal Use of a Barber Pole</u>	400 <u>25</u>	<u>50</u>	<u>100</u>	No
7350. <u>Establishment – Residential Use/Entrance/Prohibited Use</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
7351. <u>Restroom Requirement – Clean/Storage/Floor/Vented</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
7352. <u>No Soap/Towels or Air Hand Dryers in Hand Washing Facilities</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
7358. <u>No Licensee in Charge of Mobile Unit</u>	100	<u>150</u>	<u>200</u>	No
7359. <u>Employing Unlicensed Person in Mobile Unit</u>	1,000	<u>1,000</u>	<u>1,000</u>	No
7360. <u>Mobile Unit – Residential/Entrance/Prohibited Use</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
7400. <u>No Change of Address Notice Filed</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
7404(i). <u>Interference with Inspection</u>	<u>200</u>	<u>300</u>	<u>500</u>	No
904(a)	400			No
904(d). <u>No Photographic Identification Available</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
905. <u>Consumer Info. Not Posted/Incorrect Size of Print (Health & Safety)</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
920. <u>Apprentice Training Records Not Available/Incomplete</u>	100	<u>150</u>	<u>200</u>	No
965(a). <u>License Not Displayed at Work Station-Display of Licenses</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
965(b). <u>Establishment License Not Posted in Reception Area</u>	400 <u>50</u>	<u>400</u>	<u>150</u>	No
965(c). <u>Display of Expired/Invalid License</u>	400 <u>50</u>	<u>400</u>	<u>150</u>	No
978(a)(1). <u>Waste Receptacle Not Covered Minimum Equipment and Supplies (a)(1).(a)(2).(a)(3).(a)(4). Receptacles, Cabinets, and Containers</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
978(a)(2). <u>Closed Receptacles for Soiled Towels/Gowns/Sheets</u>	400 <u>50</u>	<u>400</u>	<u>150</u>	No
978(a)(3). <u>Closed Cabinet for Clean Sheets</u>	400 <u>50</u>	<u>150</u>	<u>200</u>	No
978(a)(4). <u>No Disinfectant Container</u>	100	<u>400</u>	<u>150</u>	No
978(a)(5). <u>Insufficient Disinfectant in Container for Total Immersion</u>	100	<u>150</u>	<u>200</u>	No
978(a)(6). <u>No Steam/Dry Heat Sterilizer for Electrology Instruments</u>	400 <u>500</u>	<u>1,000</u>	<u>1,500</u>	No
978(b). <u>No Disinfectant Solution Available for Use</u>	500 <u>250</u>	<u>300</u>	<u>500</u>	No

978(c). <u>No Manufacturer-Labeled Container for Disinfectant</u>	<u>500</u> <u>250</u>	<u>300</u>	<u>500</u>	No
979(a). <u>Non-Electrical Items Not Disinfected</u> <u>Properly Disinfecting Non-Electrical Instruments and Equipment</u>	<u>500</u> <u>100</u>	<u>250</u>	<u>500</u>	No
979(b). <u>Disinfectant Not Changed/Covered</u>	400	150	200	No
979(c). <u>Soiled Non-electrical Instruments Not in Labeled Receptacle</u>	100 50	100	150	No
979(d). <u>Incorrect Storage of Non-electrical Disinfected Items/Clean/Covered/Labeled</u>	100 50	100	150	No
980(a). <u>Incorrect Disinfection of Electrical Items</u>	<u>500</u> <u>100</u>	<u>250</u>	<u>500</u>	No
980(b). <u>Incorrect Storage of Electrical Disinfected Items</u>	<u>500</u> <u>50</u>	<u>100</u>	<u>150</u>	No
980.1. <u>Incorrect Disinfection of Pedicure Spas (Per Chair)</u>	500	<u>500</u>	<u>500</u>	No
980.1(c)(7). 980.1(d)(8). <u>Incorrect/Missing Log</u> 980.1(e)(4).	<u>100</u>	<u>150</u>	<u>200</u>	<u>No</u>
980.2. <u>Incorrect Disinfection of "Pipeless" Footspas (Per Unit)</u>	500	<u>500</u>	<u>500</u>	No
980.2(b)(7). 980.2(c)(6). <u>Incorrect/Missing Log</u> 980.2(d)(3).	<u>100</u>	<u>150</u>	<u>200</u>	<u>No</u>
980.3. <u>Incorrect Disinfection of "Non-Whirlpool Foot Basin" (Per Unit)</u>	<u>500</u> <u>100</u>	<u>150</u>	<u>200</u>	No
980.3(b)(6). <u>Incorrect/Missing Log</u>	<u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
981(a). <u>No Disposal of Non-Disinfected Items</u>	100	<u>150</u>	<u>200</u>	No
981(b). <u>Carry Instruments of or Supplies in or on Garments</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
982. <u>Incorrect Sterilization of Electrology Instruments</u>	500 <u>100</u>	<u>150</u>	<u>200</u>	No
983(a). <u>Person/Attire Not Clean</u> <u>Personal Cleanliness</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	<u>No</u>
983(b). <u>Not Washing Hands Before Services</u>	400 <u>50</u>	100	150	No
984. <u>Work on Person with Infectious/Communicable Disease</u>	100	<u>250</u>	<u>500</u>	No
985. <u>No Use of Neck Strips or Towel</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
986. <u>Neck Dusters/Brushes Not Clean or Sanitary</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
987(a). <u>Towels Not Covered/Laundered</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
987(b). <u>Incorrect Method of Laundering Towels</u>	400 <u>50</u>	100	150	No
987(c). <u>Clean Towels Not Stored in Clean Cabinets</u>	400 <u>50</u>	100	150	No
988(a). <u>Cosmetics Not in Clean/Closed Containers-Liquids, Creams, Powders and Cosmetics</u>	400 <u>50</u>	<u>100</u>	<u>150</u>	No
988(b). <u>Containers Not Labeled/No Poison Label</u>	400 <u>50</u>	100	150	No
988(c). <u>Removing Cosmetic Preparations Causing Contamination</u>	400	150	200	No
988(d). <u>Cosmetic Pencils Not Sharpened Before Use</u>	400 <u>50</u>	100	150	No
989. <u>Prohibited Hazardous Substance/Use of Product</u>	500	<u>500</u>	<u>500</u>	No

990(a). Headrests and Treatment Tables Not Clean/Covered	100 <u>50</u>	<u>100</u>	<u>150</u>	No
990(b). Shampoo Bowls Not Clean/Repaired	100 <u>50</u>	<u>100</u>	<u>150</u>	No
990(c). Treatment Tables Not Clean/Covered	100 <u>50</u>	<u>100</u>	<u>150</u>	No
991. Performing Invasive Procedures	500	<u>500</u>	<u>500</u>	No
992. Performing Invasive Skin Peeling/Dermis	500	<u>500</u>	<u>500</u>	No
993(a). Illegal Prohibited Instruments on Premises/Razor Edged Tools	500 <u>300</u>	<u>400</u>	<u>500</u>	No
993(b). Illegal Instruments on Premises/Needle-like Instruments	500 <u>300</u>	<u>400</u>	<u>500</u>	No
994(a). Floors/Walls/Equipment Not in Clean Condition Cleanliness and Repair	100 <u>50</u>	<u>100</u>	<u>150</u>	No
994(b). Accumulation of Waste	100 <u>50</u>	<u>100</u>	<u>150</u>	No
995(b). No Hot/Cold Running Water in Area/Room Building Standards(b),(c),(d),(e). Plumbing Standards	100 <u>50</u>	<u>100</u>	<u>150</u>	No
995(c). No Potable Drinking Water/Cups	100 <u>50</u>	<u>100</u>	<u>150</u>	No
995(d). Hand Washing Facilities — No Running Water/Location	100 <u>50</u>	<u>100</u>	<u>150</u>	No
995(e). No Public Restroom Located on Premises	100 <u>50</u>	<u>100</u>	<u>150</u>	No

(b) A violation indicated in subdivision (a) as not ~~correctable~~ waivable *waivable* means that *the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that* the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312, ~~and 7407~~ 7406, ~~and 7407~~, Business and Professions Code. Reference: Sections ~~7406~~ 7406, 7407 and 7409, Business and Professions Code.